



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

September 14, 2023

VIA ECF

Hon. Arun Subramanian
U.S. District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *SEC. v. Darius Karpavicius, et al.*, No. 1:23-cv-2205

Judge Subramanian:

Pursuant to Local Civil Rule 7.1(d), plaintiff U.S. Securities and Exchange Commission ("SEC") respectfully requests adjournments of the deadlines for filing motions for default judgment contained in the Court's Orders dated August 15 and September 11, 2023, ECF Nos. 30 and 40. Those orders require that any motion for entry of default judgment against Defendant Karpavicius be filed by September 22, 2023, and "any application for the issuance of an order to show cause for default judgment be filed no later than October 20, 2023."¹

The SEC has recently obtained new evidence causing it to consider whether to file an amended complaint in this action. If the SEC does so, it will be necessary to serve the defendants with the amended complaint and provide them with an opportunity to respond. Interests of judicial economy counsel in favor of not considering any motions for default until the SEC has resolved the question of whether to file an amended complaint.

To permit time for continued factual investigation of the newly-obtained evidence and for internal deliberation on the appropriate course of action, the SEC respectfully requests that the deadline for filing motions for entry of default judgment be extended

¹ In light of the reassignment of this matter to Your Honor, the SEC interprets Judge Woods's August 15, 2023 Order as requiring the filing of motions for entry of default judgment as to Defendant HMC Trading, LLC, Defendant HMC Management, LLC, and Relief Defendant DK Auto, LLC by October 20, 2023.

until November 3, 2023. Since no defendant has entered an appearance, none would be prejudiced by the requested extension of time.

This is the SEC's first request for an adjournment of these deadlines. Since no defendant has entered an appearance, the SEC is unable to obtain any defendant's position on the relief sought herein. There are no other deadlines in this case and the next scheduled appearance before this Court is an Initial Pretrial Conference on October 26, 2023.

For the foregoing reasons, the SEC respectfully requests that it be permitted to file any motions for default judgment by November 3, 2023.

Respectfully submitted,

/s/ Peter Lallas

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The request for an extension is GRANTED. The initial pretrial conference currently set for October 26, 2023, at 3 PM is hereby rescheduled to October 26, 2023, at 1:30 PM.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 41.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: September 14, 2023